

03/23/07

1/24

CASE 33396-US-PCT

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 678113315US

Express Mail Label Number

MARCH 22, 2007

Date of Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

DANNENFELSER ET AL.

Art Unit: 1752

APPLICATION NO: 10/574,537

FILED: MARCH 31, 2006

FOR: PHARMACEUTICAL COMPOSITION COMPRISING 5-METHYL-2(2'-CHLORO-6'-FLUOROANILINO)PHENYLACETIC ACID

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

LETTER CORRECTING OFFICIAL FILING RECEIPT

Sir:

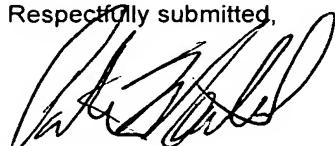
The official filing receipt received in the above-identified application erroneously lists the "Applicant(s)" information. The city where the third inventor resides is incorrect. Enclosed is a copy of the Declaration which shows this to be true. Please issue a corrected filing receipt listing the Applicant(s) information as follows:

--Rose-Marie Dannenfelser, Bloomfield, NJ;  
Vivian Christine Georgousis, West Caldwell, NJ;  
**Maha Y. Khaled, Livingston, NJ;**  
Tarun S. Patel, Parsippany, NJ;  
Joseph Sikora, Succasunna, NJ;  
Barbara Wang, Berkeley Heights, NJ;--

A copy of the filing receipt with the correction noted is enclosed.

No fee is believed to be required by this request for a corrected filing receipt.

Respectfully submitted,

  
Peter J. Waibel  
Attorney for Applicants  
Reg. No. 43,228

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7951

Date: 3/22/07



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PJW

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
✓10/574,537	08/11/2006	1752	1080	33396-US-PCT	✓21	✓3

1095  
NOVARTIS  
CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 104/3  
EAST HANOVER, NJ 07936-1080

**FILING RECEIPT**



\*OC000000022566529\*

Date Mailed: 03/05/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

- ✓ Rose-Marie Dannenfelser, Bloomfield, NJ;
- ✓ Vivian Christine Georgousis, West Caldwell, NJ;
- ✓ Maha Y. Khaled, Livingston, NJ; maha Y. Khaled, Livingston, NJ;
- ✓ Tarun S. Patel, Parsippany, NJ;
- ✓ Joseph Sikora, Succasunna, NJ;
- ✓ Barbara Wang, Berkeley Heights, NJ;

A circular library stamp. The outer ring contains the numbers 1 through 9 in a clockwise direction. The inner circle contains the text 'Received MAR 2007 Linda Rothwell' in a serif font. A small, stylized arrow points upwards from the center of the stamp.

**Power of Attorney:** The patent practitioners associated with Customer Number 001095.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/EP04/11223 10/07/2004  
 which claims benefit of 60/509,459 10/08/2003

## Foreign Applications

**If Required, Foreign Filing License Granted: 02/20/2007**

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/574,537**

**Projected Publication Date:** 05/31/2007

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

✓ Pharmaceutical composition comprising 5-methyl-2(2'-chloro-6'-fluoroanilino)phenylacetic acid

**Preliminary Class**

430

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



US

Case 33396-US-1

**DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION**

Original

Supplemental

Substitute

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**PHARMACEUTICAL COMPOSITION COMPRISING 5-METHYL-2(2'-CHLORO-6'-FLUOROANILINO)PHENYLACETIC ACID**

the specification of which:

is attached hereto.

was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_  
(day/month/year)

and, if this box (□) contains an x

was amended on \_\_\_\_\_  
(day/month/year)

was filed as Patent Cooperation Treaty international Application No.

PCT/EP2004/011223 on 07 October 2004  
(day/month/year)

and, if this box (□) contains an x

entered the national stage in the United States and was accorded Application No.

and, if this box (□) contains an x

was amended, subsequent to entry into the national stage, on \_\_\_\_\_  
(day/month/year)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) specifically referred to above and, if this application was filed as a Patent Cooperation Treaty international application, by any amendments made during the international stage (including any made under Patent Cooperation Treaty Rule 91, Article 19 and Article 34).

I acknowledge my duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including, for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or Patent Cooperation Treaty international filing date of the continuation-in-part application.

I hereby claim the benefit under 35 U.S.C. 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's certificate or plant breeder's right certificate listed below and under 35 U.S.C. 365(a) of any Patent Cooperation Treaty international application(s) designating at least one country other than the United States listed below and have also listed below any foreign application(s) for patent, inventor's certificate or plant breeder's right certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application the priority of which is claimed for that subject matter:

COUNTRY/REGION (OR P.C.T.)	APPLICATION No.	FILING DATE (day/month/year)	PRIORITY CLAIMED
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

APPLICATION NO.	FILING DATE (day/month/year)
-----------------	---------------------------------

60/509459, 08 October 2003

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) listed below and under 35 U.S.C. 365(c) of any Patent Cooperation Treaty international application(s) designating the United States listed below:

United States Application No.	United States Filing Date (day/month/year)	Status (Pending, Abandoned or U.S. Patent No.)	International Application No. and Filing Date (day/month/year)
----------------------------------	--	--	--

I hereby appoint all of the registered practitioners associated with Customer No. 001095, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

If this box (□) contains an x , I hereby authorize the registered practitioners associated with Customer No. 001095 and any others acting on my behalf to take any action relating to this application based on communications from Corporate Intellectual Property of Novartis International AG, Basle, Switzerland, or an affiliate thereof or a successor thereto, without direct communication from me.

Please send all correspondence relating to this application to the address associated with Customer No. 001095.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole  
or first joint inventor

**Rose-Marie DANNENFELSER**

Inventor's signature

Date

(day/month/year)

Residence

**Bloomfield, NJ 07003, USA**

Citizenship

**citizen of USA**

Post Office Address

**45 John Street, #2B  
Bloomfield, NJ 07003  
USA**

Full name of second  
joint inventor, if any

**Vivian Christine GEORGOUIS**

Inventor's signature

Date

(day/month/year)

Residence

**West Caldwell, NJ 07006**

Citizenship

**citizen of USA**

Post Office Address

**27 Park Street  
West Caldwell, NJ 07006, USA**

**IMPORTANT:** Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

---

Full name of third joint inventor, if any **Maha Y. KHALED**

Inventor's signature

Date

(day/month/year)

Residence **Livingston, NJ 07039**

Citizenship **citizen of USA**

Post Office Address **27 Pebble Beach Drive  
Livingston, NJ 07039  
USA**

---

Full name of fourth joint inventor, if any **Tarun S. PATEL**

Inventor's signature

Date

(day/month/year)

Residence **Parsippany, NJ 07054, USA**

Citizenship **citizen of USA**

Post Office Address **95 Carlton Drive  
Parsippany, NJ 07054  
USA**

---

Full name of fifth joint inventor, if any **Joseph SIKORA**

Inventor's signature

Date

(day/month/year)

Residence **Succasunna NJ 07876**

Citizenship **citizen of USA**

Post Office Address **16 Toby Drive  
Succasunna, NJ 07876  
USA**

---

Full name of sixth joint  
inventor, if any **Barbara WANG**

Inventor's signature

Date

(day/month/year)

Residence **Berkeley Heights, NJ 07922**

Citizenship **citizen of USA**

Post Office Address  
**19 Baldwin Drive  
Berkeley Heights, NJ 07922  
USA**